

UTT/14/0305/FUL (Little Sampford)

Referred to Committee - Reason: Applicant is an ex-employee of the Council.

PROPOSAL:	Erection of new dwelling with associated outbuilding. Removal of existing buildings which were habitable historically.
LOCATION:	Small Farm, Hawkspur Green, Little Sampford.
APPLICANT:	Mr R Crowe.
AGENT:	Mr M McGarr.
EXPIRY DATE:	21 April 2014
CASE OFFICER:	Clive Theobald

1. NOTATION

- 1.1 Outside development limits / Groundwater Protection Zone.

2. DESCRIPTION OF SITE

- 2.1 The site is situated within an isolated rural position at Hawkspur Green served by an unmade track leading off Hawkspur Green Road comprises a former "Q" camp and smallholding extending to 10.71 ha. The site contains an occupied brick and tile bungalow and adjacent unoccupied slate and weatherboarded ancillary chalet building known as the "Camp Offices House" with nissen hut positioned behind situated at higher ground and a small group of single storey and two storey outbuildings and further nissen huts formerly used in association with the Q Camp and smallholding situated at lower ground at the end of the track. A copse lies behind the site to the immediate north, whilst a large area of open land exists within the site on the south side of the track. The site falls down a valley towards the River Pant which runs to the south-east.

3. PROPOSAL

- 3.1 This proposal relates to the erection of a two storey detached dwelling comprising 3 bedrooms with conjoined detached ancillary accommodation block and erection of a single storey machinery store, workshop, garage, feed and hay outbuilding range to be sited to the rear and represents a revised dwelling design to the application which was refused by the Council in 2013 (UTT/13/2319/FUL).
- 3.2 The new dwelling and outbuilding range would stand at lower ground at the bottom end of the track and would involve the removal of some of the lower smallholding outbuildings and optionally some of the "Q" camp buildings, although the buildings described as "The dormitories", "The wash room" and "The pump room" are intended to remain. The Camp Officers House would also be an optional removal building. The dwelling would have an L shaped plan form with a traditional form and appearance incorporating a jettied frontage with exposed chimney breast and have a height to the ridge of approximately 7 metres. The dwelling would be externally clad with clay tiles and render, whilst the ancillary block would be clad with tile and boarding.

4. APPLICANT'S CASE

4.1 The application is accompanied by a Design and Access Statement (updated following the decision on UTT/13/2319/FUL):

Summary:

- The NPPF states that housing proposals are to be considered positively in the context of the presumption of sustainable development if LPA housing policies are not up to date and if a five year housing supply cannot be demonstrated;
- The Council cannot currently demonstrate an adequate five year housing supply and some weight should be afforded in principle to the potential of the site being deliverable;
- A replacement dwelling may be acceptable in principle for an existing dwelling that is both lawful and not abandoned;
- Proof is available to show that this site has been used for multiple use that has had a number of “dwellings” in situ and they are still there to be seen;
- The Planning Committee comments for the original application that the proposed dwelling had the scale of a “mansion” have been taken into consideration with the revised application where the new design represents an aesthetically pleasing dwelling that will stand within 20 acres of land and blend in with the local landscape;
- The proposal would be subject to a landscaping enhancement plan;
- The existing bungalow could be retained as a service property for the new dwelling whereby the applicant would be willing to enter into a S106 agreement requiring that the bungalow cannot be sold off separately from the new dwelling.

5. RELEVANT SITE HISTORY

5.1 Erection of two storey detached dwelling and garage/workshop building involving partial demolition of existing outbuildings refused by Members of the Planning Committee in 2013 in accordance with the officer recommendation when it was considered that the proposed development would not amount to a sustainable form of development given the site's rural location remote from local services and would be contrary to the countryside protection aims of ULP Policy S7 (UTT/13/2319/FUL).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF).

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 – The Countryside
- ULP Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
- ULP Policy ENV12 – Protection of Water Resources
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

6.3 Uttlesford Local Plan – Pre-Submission Consultation – April 2014

- Policy SP1 – Presumption in Favour of Sustainable Development
- Policy DES1 – Design
- Policy SP8 – Environmental Protection
- Policy EN6 – Minimising Flood Risk
- Policy SP9 – Protection of the Countryside
- Policy C1 – Protection of Landscape Character
- Policy SP11 – Protecting the Natural Environment
- Policy NE1 – Protecting and Enhancing the Natural Environment
- Policy EN10 – Sustainable Energy and Energy Efficiency
- Policy SP12 – Accessible Development
- Policy TA1 – Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

7.1 Comments not received.

8. CONSULTATIONS

Environment Agency

8.1 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hempstead Pumping Station. This is a public water supply comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Natural England

8.2 Based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes. Protected Species - refer to Standing Advice.

ECC Highways

8.3 No highway objections.

ECC Ecology

8.4 Response not received.

Braintree District Council

8.5 No objections subject to all consultation and neighbour comments being taken into consideration and appropriately addressed where relevant prior to determination of this application.

UDC Natural Sciences Officer

8.6 The site is not adjacent to a Special Roadside Verge, although is adjacent to a Protected Lane and UDC ENV8 applies.

UDC Access & Equalities Officer

- 8.7 It is unfortunate that there is no mention in the Design and Access Statement about regard to the SPD on Accessible Homes and Playspace and this has been reflected in the drawing submitted. This will require the internal layout to meet the requirements of this document. As a pointer, the entrance level WC does not meet the requirements of Lifetime Homes and this needs to be demonstrated. Either a drawing needs to be submitted to address this now or if approved apply a condition that prior to commencement a drawing must be submitted showing how the internal layout complies.

9 REPRESENTATIONS

- 9.1 2 representations received. Notification period expired 26 March 2014. Site notice expired 3 April 2014.

The representations received are similar to those received for application UTT/13/2319/FUL, but updated:

Great Pitley Farm, Beslyns Road, Great Bardfield CM7 4TQ

- Revised plans appear almost identical in size and shape to those submitted in the original application. The new dwelling is not compatible with the scale, form, layout and appearance of surrounding buildings and will have a major visual impact on Pitley Farm, which currently enjoys unspoilt views of the Pant Valley.
- The machinery store, workshop, garage and loft area building is very large and out of proportion to normal family living unless there is intent to undertake some other form of commercial activity on the site.
- No need for the provision of a completely new house at the site as the owners already occupy a house at Small Farm. The size of the dwelling, a substantial 2 storey, 5 bedroom house + ancillary building, is out of character with the landscape in which it sits and does nothing to protect or enhance it.
- Hawskpur Green Road is designated as a 'protected lane', which is already suffering from heavy traffic from Coopers Transport, even without the additional burden of construction traffic and additional traffic associated with a new and larger dwelling.
- This site is identified as being of historic importance as the 'Q' camp in the 1930's. We would ask again does the local authority recognises this as such?
- Question again whether this is in fact a replacement dwelling when the existing buildings have not been inhabited for at least 60 years and have been used for the purposes of running a pig farming business during the earlier years and more recently remaining derelict.
- Cannot understand the need to retain the current bungalow occupied by Mr and Mrs Crowe, senior as a service property within 200m of the proposed dwelling.
- Our belief that it is the intention of the applicant to encourage commercial activity at the site in due course.

Westerleys, Hawskpur Green, Little Bardfield, CM7 4SH

- Appears to be an underlying intention to develop the site further to perhaps a commercial activity or promote an opportunity to sell the development on.
- With the exception of the bungalow, the site is unkempt and mostly derelict. Sympathetic development would improve the current appearance of the site and would not be visible from the road due to land contours.
- Proposed outbuilding is far too large for the needs of a normal family.

- Would be unusual to require a service property for the new dwelling.

10 APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development / Countryside protection / Design (NPPF, ULP Policies S7 & GEN2).
- B Whether the proposed development would constitute a flood risk (ULP Policy GEN3).
- C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).
- D Whether the development would be harmful to bio-diversity/protected species (ULP Policy GEN7).

A Principle of development / Countryside protection / Design (NPPF, ULP Policies S7 & GEN2).

10.1 This revised proposal seeks changes to both the footprint siting and size of the proposed dwelling compared to the dwelling which was refused last year, although the proposal does not seek any changes to the ancillary storage outbuilding. The revised dwelling would have a single front gable as opposed to the twin gable on an H plan as previously refused and have a slightly lower eaves line, although the ridge height would remain the same at 7.3 metres. The overall bulk and footprint of the dwelling would be lessened by the introduction of the ancillary bedroom/garage block to the side. Various fenestration detailing has been removed from the revised scheme, including the removal of a prominent full height, two storey glazed screen to the rear elevation in an attempt to reduce the dwelling's impact further. However, bedroom provision would be increased from four bedrooms to five bedrooms where two additional bedrooms would be accommodated in the adjacent ancillary block.

10.2 Notwithstanding the design changes which have taken place, the situation remains the same as for the previously refused application insofar as the site is isolated from any village settlement. Therefore, the proposal does not, as before, represent a sustainable form of residential development at this rural location and is therefore contrary to the sustainability aims of the NPPF in this respect. Furthermore, the introduction of a dwelling at this location where it does not represent a replacement dwelling on the site would be harmful to the rural amenities of the area and, as before, be contrary to ULP Policy S7, which seeks to protect the countryside for its own sake and to prevent development which is inappropriate to a rural area. New dwellings outside development limits do not normally meet the exceptions of Policy S7 and it is considered as before that no exceptional circumstances exist where the proposal is not for an agricultural workers dwelling and as the removal of the existing outbuildings on the site does not amount to sufficient mitigation. As such, the proposal is considered unacceptable in principle.

10.3 As highlighted with the previously refused application, there is no evidence to show that the "Camp Officers House" adjacent to the existing bungalow or indeed the other "Q" Camp buildings on the site have established use as dwellings where as previously stated any such use even if it did occur has in the Council's view been long since abandoned where the "Camp Officer's House" is being used ancillary to the bungalow. As such, the Council continues to assert that they do not have any lawful status as separate dwelling units where as previously advised it would be for the applicant to prove this through a Certificate of Lawfulness application.

- 10.4 On 6 April 2014, new permitted development rights came into force which enable buildings in agricultural use to be converted to residential (Class C3) with some associated physical works. For example, up to 450sqm of an agricultural building can be converted to provide up to three dwellings. This right is subject to prior approval for transport and highways impacts, flooding, contamination and noise. The permitted conversion does not apply to Article 1(5) land.
- 10.5 In the case of the application site, it may be possible to convert one or more of the redundant smallholding outbuildings at the bottom of the site from agricultural to residential use providing they meet the above criteria in terms of floorspace, number of dwellings proposed and providing there were no consultation objections. However, given the age, nature and condition of the buildings, it is considered unlikely in any event that any but say the old "dormitories building" could be realistically physically converted without substantial reconstruction/extension. The "Camp Officer's House" at the top of the site adjacent to the existing bungalow would not in the Council's opinion qualify for these new conversion rights as this is used as an ancillary building to the bungalow and is not therefore deemed to be an agricultural building.
- 10.6 Notwithstanding the possible application of these new permitted development rights insofar as they relate to the site, it is considered that the introduction of a new dwelling as proposed in the current application at this isolated rural location would by its size and positioning have a harmful impact on the local rural landscape contrary to the provisions of ULP Policy S7.

B Whether the proposed development would constitute a flood risk (ULP Policy GEN3).

- 10.7 A very small part of the bottom end of the site is zoned as Flood Risk Zone 2/3 where it adjoins the River Pant. However, the majority of the site at upper ground, including the footprint siting of the proposed dwelling, is zoned as Zone 1 and it is considered from this assessment that the proposal does not represent a flood risk (ULP Policy ENV3).

C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

- 10.8 With regard to vehicular access, the proposal would not lead to any significant intensification of use of the track from Hawkspur Green Road providing the proposed outbuilding to the dwelling was to remain ancillary to the residential/smallholding use of the site and no highway objections have been raised under GEN1. Whilst precise parking details are not shown, it is evident from the submitted layout plan that front hardstanding spaces could be provided where 3 No. spaces would be required for this five bedroomed dwelling under ULP Policy GEN8.

D Whether the development would be harmful to bio-diversity/protected species (ULP Policy GEN7).

- 10.9 The application is accompanied by a Preliminary Ecological Assessment (PEA) which states that the site is considered to be of low ecological value and that the existing outbuildings are not considered to provide potentially suitable habitat for bats given their construction and present condition and as no evidence of bat activity was identified. The report further states that there was no evidence of any barn owl activity at the site, albeit that it is possible that barn owls are present in the local area and that no further surveys are considered necessary in respect of this species. The report identifies that the absence of ponds on the site or within a 250 metre radius would mean that the proposal would not provide suitable habitat for GCN's and that the small

development area involved where this includes regular mown areas around the outbuildings would not itself provide potential reptile habitat. As such, the report concludes that the proposal would not result in any harm to protected species subject to suitable safeguard conditions.

10.10 ECC Ecology has not commented on this application and it is considered that the submitted PEA is sufficiently detailed in its scope to demonstrate compliance with ULP Policy GEN7.

11 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- 11.1 The proposal would represent an unsustainable form of residential development at this isolated rural location remote from local services and would be contrary to the social and environmental sustainability aims of the NPPF. Additionally, no evidence has been provided to show that any of the buildings on the site have the benefit of established residential use in the absence of the grant of a lawful use certificate for an existing use or development where it is contended that such a use, if indeed this ever existed, appears to have been long since abandoned.
- 11.2 The introduction of a dwelling onto the site would be harmful to the rural amenities of the area at this location contrary to ULP Policies S7 and GEN2 where the design changes proposed from the previously refused application under UTT/13/2319/FUL would fail to sufficiently overcome the rural harm which would be caused and where the exercise of new permitted development rights as they are applicable to this location through building conversion are not considered sufficient to outweigh the rural harm that a new dwelling at the site would cause.
- 11.3 It should be noted that this proposal for one new dwelling does not attract a financial contribution for affordable housing under the adopted Developer Contributions process.

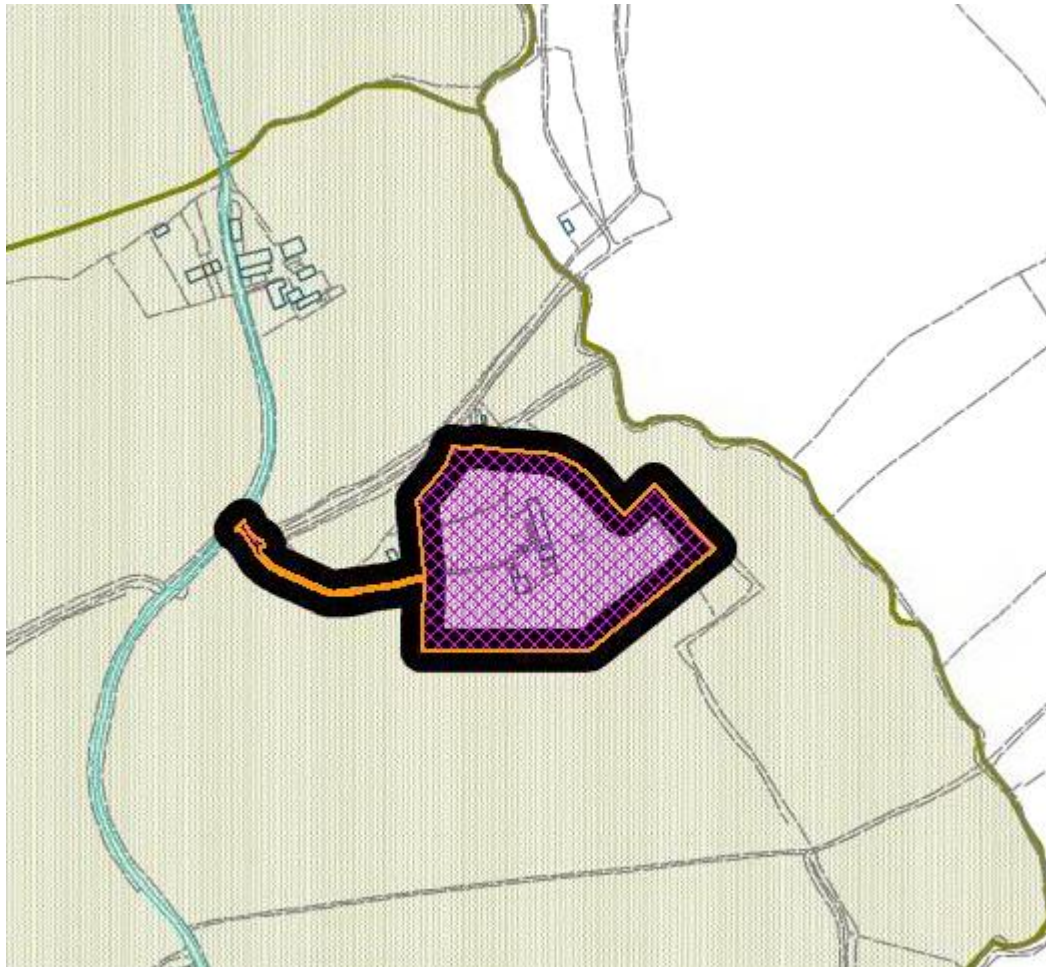
RECOMMENDATION – REFUSAL

Refusal reasons

1. The proposed dwelling would amount to an unsustainable form of development at this isolated rural location remote from local services and would therefore be contrary to the sustainability aims of the NPPF. Furthermore, the proposal would be contrary to the countryside protection aims of ULP Policy S7 of the Uttlesford Local Plan (2005) which states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The revisions made to the design of the proposed dwelling resulting from the refusal of application UTT/13/2319/FUL fail to overcome these rural harm concerns.

Application no: UTT/14/0305/FUL

Address: Small Farm, Hawkspur Green, Little Sampford



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale: 1:3,814

Organisation	UDC
Department	Planning
Comments	Not Set
Date	22/05/2014
MSA Number	100018688

